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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LANEAU, RONALD

ART UNIT

PAPER NUMBER

3714

MAIL DATE

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11/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/807,070	Applicant(s) SIMS ET AL.	
	Examiner Ronald Laneau	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23,25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

1. The amendment filed on 08/28/09 has been entered. Claim 24 is canceled, claims 27-33 are added and claims 1-33 are now pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant claims “providing a first software on the cash management system” and “providing a second software on the P.O.S. system.” It is unclear whether the Applicant had possession of a first software and a second software at the time of filing. Applicant is reminded to point out the exact column and lines where these limitations are disclosed in the specification.

Correction is required.

4. Claims 13-20, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claims 13-16 and 25, Applicant claims “performing diagnostic functions,” it is again unclear from reading the specification what the Applicant meant by “performing diagnostic functions” and what it entails.

In Claims 17-20, Applicant claims “performing setup functions,” it is again unclear from reading the specification what the Applicant meant by “performing setup functions” and what it entails.

In claims 25 and 26, line 5, the term “comprises” entails some kinds of modification and the Examiner is not sure if it modifies the P.O.S. system or the interface device.

It is the Examiner’s factual determination that the term “permit” means “to allow (something), consent to; to give, authorize.” It is the Examiner’s factual determination that the term “to” means “In a direction toward.” It is the Examiner’s factual determination that the term “for” means “Used to indicate an object, aim, or purpose of an action.” It is the Examiner’s factual determination that the term “Interface” means “to interact or coordinate smoothly.” It is the Examiner’s factual determination that the term “link” means” a single connecting element.” It is the Examiner’s factual determination that the term “format” means “to produce in a specified form, to form.” (The American Heritage Dictionary, second College Edition).

The Examiner finds that because the claims are indefinite under 35 U.S.C. §112 2nd paragraph, it is impossible to properly construe claim scope at this time. See *Honeywell International Inc. v. ITC*, 68 USPQ2d 1023, 1030 (Fed. Cir. 2003) ("Because the claims are indefinite, the claims, by definition, cannot be construed"). However, in accordance with MPEP

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§2173.06 and the USPTO's policy of trying to advance prosecution by providing art rejections even though these claim are indefinite, the claims are construed and the art is applied *as much as practically possible*.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-23 and 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 5,926,796) in view of Walker et al (US 6,119,099).

As per claims 1, 5-12, 21, and 26, Walker et al teach a method of providing a communication interface (col. 7, lines 18-23) for coupling a point-of-sale (P.O.S.) system to a cash management system (col. 6, lines 46-48; register) for providing communication between the P.O.S. system and the cash management system (col. 7, lines 30-40). Walker et al do not teach providing a first software on the cash management system for operation of the cash management system over a communication link and providing a second software on the P.O.S. system to permit control of the cash management system Walker discloses a method wherein providing software on the P.O.S. system to permit control of the cash management system over the communication link (modem or wide-area network) and providing software on the P.O.S. system to permit control of the cash management system over the internet, over a modem, over a wide-area-network (see col. 3, line 61 to col. 4, line 8).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the software program as taught by Walker 099' into the system of Walker 796' because it would allow the system to perform the transaction process, prevent fraudulent's access by a user and would also eliminate the need for a store manager having to manually verify each cashier and spend less time counting money and more time servicing customers.

As per claims 2 and 27, Walker 796' does not disclose a graphical user interface but Walker 099' discloses a method wherein providing software on the P.O.S. system to permit control of the cash management system over the communication link includes providing a graphical user interface on the P.O.S. system to permit control of the cash management system over the communication link (see fig. 1a).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the graphical user interface as taught by Walker 099' into the system of Walker 796' et al for the same reasons given in claim 1.

As per claims 3 and 4, Walker 796' does not disclose a cash management system over the communication link together including defining data formats but Walker 099' discloses a method wherein providing software on the cash management system to permit operation of the cash management system over a communication link, and providing software on the P.O.S. system to permit control of the cash management system over the communication link together include defining data formats for communicating information between the cash management system and the P.O.S. system (see abstract).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the data formats as taught by Walker 099' into the system of Walker 796' for the same reasons given in claim 1.

As per claims 13-16 and 25, neither Walker 796' nor Walker 099' discloses performing diagnostic functions but it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the software program as taught by Walker 099' to permit operation of the cash management system over a communication link, and providing software on the P.O.S. system to permit control of the cash management system over the communication link together include providing software on at least one of the cash management system and the P.O.S. system for performing diagnostic functions on the cash management system because it would identify any issues that may come up in the overall system.

As per claims 17-20, Walker 796' does not disclose a setup function over the communication link together including defining data formats but Walker 099' discloses a method wherein providing software on the cash management system to permit operation of the cash management system over a communication link, and providing software on the P.O.S. system to permit control of the cash management system over the communication link together include providing software on at least one of the cash management system and the P.O.S. system for performing setup functions on the cash management system (see page 4, [0052]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the setup functions as taught by Walker 099' into the system of Walker 796' for the same reasons given in claim 1.

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As per claims 22 and 23, Walker 796' discloses a method wherein the user interface of the cash management system includes a keyboard (see fig. 2, 230) and a display (see fig. 2, 250); wherein the user interface software on the P.O.S. system emulates the display of the cash management system by changing a display window of the P.O.S. system at the same time and in the same way as the display of the cash management system (see fig. 2, 250).

As per claim 28, Walker 796' discloses a method wherein the P.O.S. system includes a display screen and the cash management system includes a display buffer, wherein the emulating by the P.O.S. system of the user interface of the cash management system includes: transmitting by the P.O.S. system a display command to the cash management system over the communication link; retrieving by the cash management system display data stored in the display buffer in response to the command; transmitting by the cash management system the retrieved display data to the P.O.S. system over the communication link; and displaying by the P.O.S. system the display data received from the cash management system on the display screen for emulating display at the cash management system (see fig. 2).

As per claim 29, Walker 796' discloses a method wherein the P.O.S. system includes a first display screen and a first user input device, and the cash management system includes a second display screen and a second user input device, the method further comprising: receiving by the P.O.S. system actuation of a key via the first user input device; transmitting by the P.O.S. system a command including identification of the key over the communication link; receiving by the cash management system the transmitted command and the identification of the key; and processing by the cash management system, in response to receipt of the command, the key

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entered at the P.O.S. system as if the key had been entered via the second input device of the cash management system (see fig. 2).

As per claim 30, Walker 796' discloses a method wherein the processing by the cash management system includes: generating a character code for the identified key; and inserting the character code into a keyboard buffer included in the cash management system for emulating entry of the key via the second input device (see figs. 2-4).

As per claims 31, Walker 796' A cash management interface system comprising: cash management system including a first user interface (col. 7, lines 18-23); and point-of-sale (POS) system including a second user interface and coupled to the cash management system over a data communications network, herein, the POS system is configured to receive input data via the second user interface and transmit the input data to the cash management system over the data communications network, and wherein, the cash management system is configured to receive the input data from the POS system and process the input data as an input from the first user interface (see fig. 2, 230, 280). Walker 796' does not include a point-of-sale (POS) system including a second interface coupling to the cash management system but Walker 099' discloses a POS that includes a second interface (see figs. 3 and 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the second user interface as taught by Walker 099' into Walker 796' for the same reasons given in claim 1.

As per claims 32 and 33, Walker 796' discloses a cash management interface system wherein the cash management system is further configured to transmit display data to the POS system over the data communications network for emulating by the POS system data displayed

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at the cash management system (see fig. 2); wherein the POS system is further configured to display on the second user interface a graphical representation of the first user interface (see fig. 2).

Response to Arguments

7. Applicant's arguments with respect to claims 1-23 and 25-33 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that it is not necessary to define or identify in the claims the type of diagnostic functions or setup functions. Contrary to Applicant's arguments, these limitations are overly broad and one skilled in the art should be able to determine the scope of the claimed invention by just reading the claims. The claims recite certain "diagnostic functions or setup functions" which are undefined and therefore are unclear as to what they entail. Furthermore, Applicant argues one of the previous references used to reject the claims due to a date issue and said reference is now being replaced by Walker 099' so Applicant's argument are not moot.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571)272-6784. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Ronald Laneau/
Primary Examiner
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